

**PASTORS TO  
PLEAD  
FOR  
COMMUTATION  
OF FRANK  
SENTENCE**

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Agreement Is  
Reached at

Conference of  
Prominent  
Members of Atlanta  
Evan-  
gelical Minister's  
Associa-  
tion.

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***DR. C. B. WILMER***  
***VISITS***

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# ***CELL OF THE PRISONER***

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“It Is Not Right to

Hang a

Man convicted

Under Cir-

cumstances

Surrounding

This Case,” Says Dr.

J. E.

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# White.

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Pleading that time he allowed to clear up the Mystery of Mary Phagan's murder, a number of Atlanta's prominent Ministers have handed themselves to secure Commutation of the Sentence of Leo M. Frank from Death to Life Imprisonment.

Leaders in the movement are Dr. John F. White, Pastor of the Second Baptist Church, and Rev. C. B. Wilmer, of St. Lake's Episcopal Church. Other Ministers interested are Rev. C. W. Daniel, Pastor of the First Baptist; Rev C. W. Daniel, Pastor of the First Baptist; Rev. C. O. Jones, Pastor of Trinity Methodist Church; Rev. Jacob L. White, Pastor of the Baptist Tabernacle, Rev. Richard Orme Flinn, Pastor of North Avenue Presbyterian, and Rev. A. R. Holderby, Pastor Emeritus Moore Memorial.

## **Will Appear Before Governor.**

A Resolution appealing for Commutation and strongly advising against Capital Punishment in Frank's Case has already been drawn and is ready for presentation to Governor Slaton. It will be submitted by the body of Ministers in person to the Governor and they will also deliver verbal Arguments on behalf of the condemned man.

A meeting was recently held by the Group of Ministers to Confer over the advisability of coming to the Prisoner's Aid. It followed a visit of Dr. Wilmer to Frank's Cell, where he spent an entire afternoon in Company with the doomed man. An address urging Commutation was delivered to the gathering by Dr. Wilmer to Frank's cell, where he spent an entire afternoon in Company with the doomed man. An address urging Commutation was delivered to the gathering by Dr. Wilmer.

The movement, it was stated by Ministers Sunday, is being made Independent of any Organization or Cause. As was stated by Dr. J.E. White. "It is purely a Gentleman's Agreement to aid a move we consider, in this Case, worthy and necessary. It is not right to hang a man under the circumstances that surrounded the Frank Case. Time should be given a chance to wipe out all doubt."

**W. M. Howard Here.**

W. M. Howard, former Congressman, who has been employed to present the Petition of Leo Frank for Commutation of Sentence before the State Prison Commission, May 31, arrived in the City Sunday to study the Court Records of the noted Case. He will remain at the Winecoff Hotel until after the final Arguments.

"I have nothing to say concerning the Case of Leo Frank," said Congressman Howard last night. "I spent the day consulting with a few of Frank's friends who are aiding him in his fight for his life. I made only a casual survey of the situation, and shall spend the intervening time before the Hearing in studying the Court Records."

Congressman Howard said he had an interview with Frank two weeks ago.

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**CLEMENCY  
URGED**

# **IN CASE OF FRANK**

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Execution Will Not  
Bring

Comfort and Peace  
to Be-

reaved Ones of Mary  
Pha-

# gan, Says Dr. J. L. White.

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Arguing against Capital Punishment, arguing that there is a reasonable doubt that Leo M. Frank is guilty of the Death of Mary Phagan, and asserting that his Death on the Gallows could in no way expiate the tragic death of the victim, Dr. Jacob L. White, pastor of the Tabernacle Baptist Church, last night urged the Commutation of his Sentence from Death to Life Imprisonment.

His Sermon follows:

The following Scriptures were read:

“Exodus 20:13, ‘Thou Shalt Not Kill.’ Genesis 4:15, ‘And the Lord said unto Cain, “Whosoever sleeth Cain, vengeance shall be taken on him seven-fold.”’ Matthew 5:21, ‘Ye have heard that it was said by them of old time, thou shalt not kill; and whosoever shall kill, shall be in danger of the Judgment, but I say unto you that whosoever is angry with his brother shall be in danger of the Judgment.’”

“Ye have heard of old, an Eye for an Eye, and a tooth for a tooth, but I say unto you, love your Enemies.”

## **Attracts Great Attention.**

“The Case of Leo M. Frank has attracted Universal Attention in our Nation. The trial itself is a great Legal Battle. No man ever made a greater fight for his life than Frank. The lawyers, both for the Prosecution and the Defense, have made themselves famous

for ability and genius and learning. They deserve praise and no criticism."

"Perhaps there was bitterness and prejudice, but I do not believe that there has been any bitterness toward the Defendant because of racial prejudice. In fact, there is no prejudice against the Jew in this free country. I speak as a Gentile having the highest possible respect for the Hebrew Race and our Hebrew Citizens. No; there is no racial prejudice in Atlanta or the South. The crime itself is responsible for the entire situation. It was one of the most heinous and diabolical in the history of our State. A Jew happened to be accused and tried. Any Gentile accused of a crime of such magnitude would have been hunted down and tried. Whatever has been said and done is the fruit of the Spirit of Chivalry still alive in the Souls of our people that rises up to protect a woman's virtue and life. The fact that Frank is a Jew has had nothing to do with the feeling of our people of all classes."

"I did not live in Atlanta at the time of this trial, but I have studied it closely, and perhaps with a calm that many have not experienced. And has not the time come for every thoughtful person to review this whole tragedy with poise and calmness."

"The trial by Jury has been sustained by all the Higher Courts, the Majesty of the Lower Court has been sustained by the Highest Court in the land, and whatever penalty may be exacted, the Majesty of the Court and of the Law has been maintained."

"The trial is all over, and the smoke of battle has blown away, and the final stroke upon the accused and convicted man must be given by the People for the Voice of the People Vox Populi, will, I believe, prevail. Therefore, it behooves every man and woman to ask themselves the question, 'Is there, after all, any ground for mercy?' Is there the Shadow of Doubt in the mind as to the absolute Legal Evidence? There is a vast difference



between one's moral certainty and legal certainty. And, after all, no matter what our feeling may be, it is better to fail to convict ten guilty men than to convict one innocent man."

### **Doubt in Many Minds.**

"There is a question of doubt in the minds of many that the evidence was conclusive. It is a well-known fact that Judge Roan doubted the guilt of the accused. Chief Justice Fish, Justice Beck, of our Supreme Court, and Associate Justice Holmes and Associate Justice Hughes, of the United States Supreme Court, have expressed doubt, judicially, and officially about the guilt of the accused. Hollins N. Randolph says, 'I have carefully read the Records in the Case and there is left in my mind a reasonable doubt as to the guilt of the accused.' P.H. Brewster, in an Appeal to Governor Slaton after reviewing the Case, says, 'Therefore, I urge you to save this man from the gallows and commute his sentence to Life Imprisonment and you will have done the Great State of Georgia Service. You will have vindicated the law and left it possible, if in the future his innocence is demonstrated, the State will not have committed so great a wrong as to have executed an innocent man.'"

"What I say is not intended to criticize lawyers who were engaged in this Case, Courts which considered it or the Jurors who rendered the verdict, I have no possible interest in the Case except as a Citizen.'"

"William A. Wimbish says: 'I favor Commutation of the Sentence of Leo M. Frank, without undertaking to determine his guilt or innocence, because (one of several reasons given), Frank was convicted wholly upon Circumstantial Evidence, not even Connally claiming to have seen Frank commit the crime or any act that led immediately to death.'"

## **Should Not All Yield?**

“I give these utterances of some of the leading lawyers of our City who were in no way connected with the trial, and whose Judgment must be unbiased, to show that with many there is a reasonable doubt as to the guilt of the accused, and with others, wholly unprejudiced, there is a question as to the absolute impartiality of the trial under the peculiar and extraordinary circumstances. With so respectable and large a Body of Citizens opposing the Death Sentence and appealing for Clemency in commuting the Sentence to Life Imprisonment, should not all yield and favor mercy?”

“Moreover, this Case has become more prominent because the Legislative Bodies of Tennessee and West Virginia and Pennsylvania have passed resolutions appealing to our Governor to commute the sentence to Procedure. In fact, so far as I can recall, without precedent. Ought we not to stop and ask why? Surely, these three great bodies have not had any untoward influence brought to bear upon them. Certainly, no amount of money, if it could be used, would influence them.”

“I raise the question. Is not—all of this arising from the fact that there is a growing conviction among all classes of people against Capital Punishment? The famous Allen Case in the mountains of Virginia stirred that State from Center to circumference, and yet, multitudes of the very best people plead for Life Imprisonment, because they had come into conviction that would not permit them to countenance Capital Punishment. Is not this a good time, under the circumstances, to ask ourselves, ‘Is Capital Punishment ever right or justified?’”

**“Thou Shalt Not Kill.”**

“I have presented to you three Scriptures which bring before us the highest teaching of the Scripture on this Subject. The first is the Sixth Commandment, ‘Thou shalt not kill.’ This at once declares that human life is sacred and that no individual or party has a right to take it.”

“The second Scripture is God’s dealing direct with Cain. Cain killed his brother Abel in cold blood; there was no question of doubt of his guilt, and yet God Almighty did not smite him down, but put a mark upon him and let him live out the years of his natural life, declaring that if any one should kill Cain. He would punish him seven-fold.”

“The Old Testament in other places distinctly teaches Capital Punishment, but it must be remembered that Jehovah had to deal with men as they were in their crude moral and spiritual state. Jesus Christ is the recognized Authority on the Law, and while He did not in so many words annul Capital Punishment. He did say that wherever there was a Spirit of Anger and Revenge, the same were guilty of murder. He teaches the sin of hate and the value of life. His other reply to his critics is more direct: It has been said, ‘An Eye for an Eye,’ etc., ‘but I say, love your Enemies.’ Love human life is what he means, don’t take it.”

“While Governments are ordained as Authority, yet I insist that as the State becomes more and more Christian, it must value human life more and more and must not take it on any Account. The proper interpretation of the teaching of Jesus, and also of science has brought us to realize that Government is to save life and not to destroy it. It is a Duty of the Government to remove all things that would cause Crime, or make Crime easy. It is a Duty of the Government to reform all possible Criminals, and, finally, it is a Duty of the Government to give every man, no matter how vile

or debased, an opportunity of betterment for his natural life under proper restriction, where he cannot harm anyone else or himself.”

### **Spirit Is Unchristian.**

“‘Thou shalt not kill’ is the sacred basal law of human society. Jesus’ advent and teaching made it absolute and all comprehensive, and have forever made it impossible for a State to kill that respects and obeys His teaching. No person will say that murder by an individual is justifiable for the Purpose of Revenge. The State indicts Capital Punishment for the Purpose of Reprisal or Revenge. The Spirit is unchristian, and belongs to the day when they said, ‘An Eye for an Eye, and a Tooth for a Tooth.’”

“Rev. G. Campbell Morgan, D. D., of England, says: ‘The same line of Argument applies to war and Capital Punishment. Men may have their Modes of Government, and the world may still attempt to discover through policy and philosophy new methods of creating nobler Society, but in the Purpose of God, there is but one King. His anointed Son, and one Code of Ethics, the Speech of that Son, and one Principle of Government, the Grace of that Son, and within the Economy of that Kingdom, all Punishment inflicted by man on man is remedial and redemptive. Not merely for the salvation of the wronged, but also for the redemption of the one who wrongs, was the cross lifted, and when man visits man with death, he exercises a form of Punishment which shuts out the Possibility of a Remedy.’”

“‘In the light of the Christian Era, war finds no justification, and Capital Punishment has no place.’”

“Our Civilization is a failure in Europe, and we had just as well acknowledge it. The Bottom has dropped out of it. The war has turned all the life of High Civilization into Chaos. Acknowledge the fact of failure, and as frankly own the Cause. The Cause is the

failure to preach and to practice the teachings of Jesus on the sacredness of human life, and the Duty to love our neighbors as ourselves. Instead of the Law of Love, the Law of 'an Eye for an Eye' has been practiced."

### **Violation of Law of Jesus.**

"This thing of Capital Punishment is just as much a Violation of the Law of Jesus as the European war is. It is time to halt. It is time to acknowledge our sin. It is time to Abrogate the Law that demands Life for Life."

"My final word is: If Leo Frank is guilty of the awful Crime, his Death could in no way expiate the tragic Death of dear little Mary Phagan. Frank's Execution will not bring Mary Phagan back to life; it will not bring any comfort and peace to the bereaved ones. No injustice will be done Mary Phagan to commit Frank for life."

"Alas! I know the Spirit of men is, if he be guilty, burn him at the State; nothing is too terrible for him to suffer. And yet, that is not the Spirit of Jesus Christ, 'Vengeance is mine, sayeth the Lord; I will repay.' And it is best for the Community, for the State, for the world, that the Spirit of Jesus shall prevail, and that the bitterest should pity the poor Criminal and pray for him, and ask the State to place him where he cannot harm himself or anyone else, and yet have an Opportunity to repent. Let his conscience forever torture him. If he will not repent; let the Blood of Mary Phagan forever cry out against him if he be guilty, and in the awful eternity, the hottest flame will be in his own conscience, and the most terrible Agony will be to hear the voice of the outraged girl. Let God in His way, through conscience and eternal exile, punish the vilest Criminal."

“Let the individual and the State hear the Voice of God  
saying, ‘Thou shalt not kill.’”

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